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February 24, 1999 LB 519A, 689A, 689

PRESIDENT MAURSTAD: LB 519A is advanced. Mr. Clerk.

CLERK: (LB) 689A, Mr. President, by Senator Robak. (Read title.)

PRESIDENT MAURSTAD: The Chair recognizes Senator Robak.

SENATOR ROBAK: Thank you, Mr. Speaker. To go back in time, LB 689 amended the Nebraska rules in civil procedures concerning in forma pauperis applications. Such applications ask the court to waive the fees and ask for...and call for a person who declares by affidavit that he or she is unable to pay the fees and costs associated with a trial. Public funds are then used to pay the cost. Current law allows the court or other interested parties to object to in forma pauperis applications. If the court denies an application to proceed at the taxpayers' expense, this bill allows the party 10 days after the decision to pay fees and costs in order to proceed with the case or appeal. Any statute of limitations or time to appeal should begin after 10 days. This bill now has passed Select File. It is on Final Reading. We agreed on the floor and we agreed in committee that we really don't need this appropriation, we don't need an A bill with this, with LB 689. With that, Mr. President, I would surrender the rest of my time to Senator Brashear as the committee Chairman.

PRESIDENT MAURSTAD: The Chair recognizes Senator Brashear.

SENATOR BRASHEAR: Mr. President, members of the body, thank you, Senator Robak. While 68...LB 689 is on Final Reading and is essential for what it will accomplish, which is two things which are fair; one is that in a situation where someone has proceeded in forma pauperis, which means without funds, and they are seeking to have costs waived, if that application is denied, they will have a 10-day period in which to act to preserve their rights. That's fair. That's lawful. We are not trying to get people, so to speak, or defeat people procedurally in justice in Nebraska or in America. The second part of the bill requires, mandates an evidentiary hearing if there is an objection to someone proceeding in forma pauperis. The bill, LB 689, came out of committee I believe unanimously and is necessary and well regarded. With all due respect, LB 689, the A bill, is not